

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MATTHEW L. HARRELL,

Plaintiff,

v.

CIRCLE K CLERK, et al.,

Defendants.

Case No. 2:15-cv-02359-JCM-PAL

**REPORT OF FINDINGS AND
RECOMMENDATION**

This matter is before the court on Plaintiff Matthew L. Harrell 's failure to comply with the court's Order (ECF No. 3). This proceeding is referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(B) and LR IB 1-4 of the Local Rules of Practice.

Mr. Harrell submitted a complaint as part of his initiating documents (ECF No. 1), but he did not submit the IFP application for incarcerated litigants or remit the \$400 filing fee.¹ On February 21, 2017, the court entered an Order (ECF No. 3) directing the Clerk's Office to mail Harrell a blank IFP application, and allowing him to file a completed IFP application or pay the \$400 filing fee on or before March 24, 2017. *Id.* The Order warned him that a failure to file an IFP application or pay the filing fee would result in a recommendation to the district judge that this case be dismissed. Mr. Harrell has not filed an IFP application, paid the filing fee, requested an extension of time, or taken any other action to prosecute this case.

Accordingly,

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¹ The \$400 filing fee consists of a \$350 base fee and a \$50 administrative fee. Pursuant to the court's Schedule of Fees dated January 1, 2015, the \$50 administrative fee does not apply to persons granted *in forma pauperis* status under 28 U.S.C. § 1915.

IT IS FURTHER RECOMMENDED that the Clerk of the Court be instructed to close this case and enter judgment accordingly.


PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE

This Report of Findings and Recommendation is submitted to the assigned district judge pursuant to 28 U.S.C. § 636(b)(1) and is not immediately appealable to the Court of Appeals for the Ninth Circuit. Any notice of appeal to the Ninth Circuit should not be filed until entry of the district court’s judgment. *See* Fed. R. App. Pro. 4(a)(1). Pursuant to LR IB 3-2(a) of the Local Rules of Practice, any party wishing to object to a magistrate judge’s findings and recommendations of shall file and serve *specific written objections*, together with points and authorities in support of those objections, within 14 days of the date of service. *See also* 28 U.S.C. § 636(b)(1); Fed. R. Civ. Pro. 6, 72. The document should be captioned “Objections to Magistrate Judge’s Report of Findings and Recommendation,” and it is subject to the page limitations found in LR 7-3(b). The parties are advised that failure to file objections within the specified time may result in the district court’s acceptance of this Report of Findings and Recommendation without further review. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). In addition, failure to file timely objections to any factual determinations by a magistrate judge may be considered a waiver of a party’s right to appellate review of the findings of fact in an order or judgment entered pursuant to the recommendation. *See Martinez v. Ylst*, 951 F.2d 1153, 1156 (9th Cir. 1991); Fed. R. Civ. Pro. 72.